

# Order

Michigan Supreme Court  
Lansing, Michigan

September 6, 2011

Robert P. Young, Jr.,  
Chief Justice

142822

Michael F. Cavanagh  
Marilyn Kelly  
Stephen J. Markman  
Diane M. Hathaway  
Mary Beth Kelly  
Brian K. Zahra,  
Justices

PEOPLE OF THE STATE OF MICHIGAN,  
Plaintiff-Appellee,

v

SC: 142822  
COA: 301683  
Washtenaw CC: 04-001767-FC

JASEN ALLEN THOMAS,  
Defendant-Appellant.

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On order of the Court, the application for leave to appeal the February 1, 2011 order of the Court of Appeals is considered and, pursuant to MCR 7.302(H)(1), in lieu of granting leave to appeal, we REMAND this case to the Court of Appeals. That court shall treat the defendant's delayed application for leave to appeal as having been filed within the deadline set forth in MCR 7.205(F) and shall decide whether to grant, deny, or order other relief, in accordance with MCR 7.205(D)(2). The defendant's untimely request for appointment of counsel caused him to lose his appeal of right, but he was deprived of the opportunity to file an application for leave to appeal through the ineffective assistance of appointed counsel. See *Roe v Flores-Ortega*, 528 US 470, 477; 120 S Ct 1029; 145 L Ed 2d 985 (2000); *Peguero v United States*, 526 US 23, 28; 119 S Ct 961; 143 L Ed 2d 18 (1999).



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I, Corbin R. Davis, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

September 6, 2011

*Corbin R. Davis*

Clerk